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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,843	12/18/2001	Donald L. Swihart	10313US01 (EKC 90093)	1829
1333	7590	10/04/2005	EXAMINER	
BETH READ PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			MILIA, MARK R	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/024,843

Applicant(s)

SWIHART, DONALD L.

Examiner

Mark R. Milia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 13-17, 21-23, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 10, 12, 18-20 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/28/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 6, 7, 9, 11, 13-15, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6226419 to Lodwick et al.

Regarding claim 6, Lodwick discloses a method comprising: constructing a reference grid on a reference printing system (see Fig. 4, column 5 lines 44-46, column 6 lines 8-35, and column 9 lines 54-62), constructing a scaling grid on a scalable printing system (see Fig. 5, column 6 lines 1-4 and 42-63, and column 9 lines 54-62, reference states that the second calibration sheet can be on any other printer than that used to print the first reference sheet which is analogous to the claim limitation), comparing the reference grid to the scaling grid (see Fig. 6, column 5 lines 46-54, column 7 lines 33-56, and column 9 lines 30-36), and determining a scaling factor as a function of the comparison (see column 7 lines 33-56 and column 9 lines 36-40 and 54-

55, reference states that the invention can be used to measure and adjust scaling parameters, therefore anticipating the claim limitation)

Regarding claim 14, Lodwick discloses a system comprising: a reference grid comprising: a first medium (see Fig. 4 (180) and column 4 lines 28-30), a first reference line constructed on the first medium (see Fig. 4 and column 6 lines 8-24, reference shows two vertical and two horizontal reference lines (187) and (189) and (186) and (188) respectively), and a first metric line constructed on the first medium parallel to the first reference line and a first distance from the first reference line (see Fig. 4 and column 6 lines 8-24, reference shows two vertical and two horizontal lines used in the measuring process (183) and (185) and (182) and (184) respectively, which is analogous to the claim limitation), a scaling grid comprising: a second medium (see Fig. 5 (190) and column 4 lines 28-30), a second reference line constructed on the second medium (see Fig. 5 (195) and (198) and column 6 lines 42-64), a second metric line constructed on the second medium parallel to the second reference line and a second distance from the second reference line (see Fig. 6 (195) and (198) and column 6 line 64-column 7 line 53).

Regarding claim 7, Lodwick discloses the method discussed in claim 6, and further discloses setting the scaling on the scaling printing system as a function of the scaling factor (see column 7 lines 33-56 and column 9 lines 36-40 and 54-55).

Regarding claim 9, Lodwick discloses the method discussed in claim 6, and further discloses wherein constructing the reference grid comprises: constructing a reference line on a medium (see Fig. 4 and column 6 lines 8-35, reference shows two

vertical and two horizontal reference lines (187) and (189) and (186) and (188) respectively), and constructing a metric line on the medium parallel to the reference line and a standard distance from the reference line (see Fig. 4 and column 6 lines 8-35, reference shows two vertical and two horizontal lines used in the measuring process (183) and (185) and (182) and (184) respectively).

Regarding claim 11, Lodwick discloses the method discussed in claim 6, and further discloses wherein comparing the reference grid to the scaling grid comprises: laying one of the reference grid and the scaling grid atop the other of the reference grid and the scaling grid (see Figs. 4-6, abstract, column 5 lines 44-48, column 6 lines 64-66, column 8 lines 57-60, and column 9 lines 30-33), aligning a reference line on the reference grid with a reference line on the scaling grid (see Fig. 4 (181) and column 7 lines 4-5), and determining which of a plurality of metric lines on the scaling grid most closely aligns with a metric line on the reference grid (see Figs. 5 and 6, column 6 line 51-column 7 line 53, and column 9 lines 30-40 and 54-62).

Regarding claim 13, Lodwick discloses the method discussed in claim 6, and further discloses wherein the scaling factor is a horizontal scaling factor, the method further comprising determining a vertical scaling factor as a function of the comparison (see Fig. 4 and column 9 lines 33-36 and 54-55).

Regarding claim 15, Lodwick discloses the method discussed in claim 14, and further discloses a reference printing system that constructs the reference grid and a scalable printing system that constructs the scaling grid (see column 6 lines 1-4).

Regarding claim 21, Lodwick discloses the method discussed in claim 14, and further discloses wherein at least one of the first medium and the second medium is transparent (see column 4 lines 28-30).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 22, 23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lodwick in view of the admitted prior art in applicant's specification.

Regarding claim 1, Lodwick discloses a method comprising: constructing a reference grid on one of a digital printing system (see Fig. 4, column 4 lines 25-28, column 5 lines 44-46, column 6 lines 8-35, and column 9 lines 54-62), constructing a scaling grid on a any other printing system (see Fig. 5, column 6 lines 1-4 and 42-63, and column 9 lines 54-62, reference states that the second calibration sheet can be on any other printer than that used to print the first reference sheet which is analogous to the claim limitation), comparing the reference grid to the scaling grid (see Fig. 6, column 5 lines 46-54, column 7 lines 33-56, and column 9 lines 30-36), and determining a scaling factor as a function of the comparison (see column 7 lines 33-56 and column 9

lines 36-40 and 54-55, reference states that the invention can be used to measure and adjust scaling parameters).

Lodwick does not disclose expressly constructing a reference grid on one of a digital printing system and an analog printing system and constructing a scaling grid on the other of the digital printing system and the analog printing system.

Applicant's specification discloses that the use of a digital printing system to print part of a document and an analog printing system to print the rest of the document is known and used in the art (see page 2 lines 8-17).

Regarding claim 22, Lodwick discloses a method comprising: determining a scaling factor as a function of a comparison of a reference image printed on a reference printing system and a scaling image printed on a scalable printing system (see column 5 lines 44-54, column 6 lines 1-4 and 64-66, column 8 lines 57-60, column 9 lines 18-21, 30-40, and 54-62) and applying the scaling factor to the scalable printing system (see column 7 lines 33-56 and column 9 lines 36-40 and 54-55).

Lodwick does not disclose expressly printing part of an image on the reference printing system; and printing another part of the image on the scalable printing system.

Applicant's specification discloses that the use of a digital printing system to print part of a document and an analog printing system to print the rest of the document is known and used in the art (see page 2 lines 8-17).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to print a first calibration sheet on a digital or analog printing system and a second calibration sheet on the other of the digital or analog printing system. Lodwick

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discloses the use of the calibration system for any number of output devices (printing systems) (see column 9 lines 56-62) and for any kind of output device (see column 6 lines 1-4). The suggestion/motivation for doing so would have been to allow the calibration of any system, regardless to the kind or printing device, either analog or digital using any other kind of printing device, either analog or digital, by use of calibration sheets.

Therefore, it would have been obvious to modify Lodwick to obtain the invention as specified in claims 1 and 22.

Regarding claim 2, Lodwick in view of the admitted prior art in applicant's specification discloses the system discussed in claim 1, and Lodwick further discloses applying the scaling factor to the printing system on which the scaling grid was constructed (see column 7 lines 33-56 and column 9 lines 36-40 and 54-55).

Regarding claim 3, Lodwick in view of the admitted prior art in applicant's specification discloses the system discussed in claim 2, and the admitted prior art in applicant's specification further discloses printing part of an image on the printing system on which the reference grid was constructed and printing another part of the image on the printing system on which the scaling grid was constructed (see page 2 lines 8-17).

Regarding claim 4, Lodwick in view of the admitted prior art in applicant's specification discloses the system discussed in claim 1, and Lodwick further discloses wherein constructing the reference grid comprises printing the reference grid on a first



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transparent medium (see column 4 lines 28-30), wherein constructing the scaling grid comprises printing the reference grid on a second transparent medium (see column 4 lines 28-30), and wherein comparing the reference grid to the scaling grid comprises laying one of the reference grid and the scaling grid atop the other of the reference grid and the scaling grid (see Figs. 4-6, abstract, column 5 lines 44-48, column 6 lines 64-66, column 8 lines 57-60, and column 9 lines 30-33).

Regarding claim 5, Lodwick in view of the admitted prior art in applicant's specification discloses the system discussed in claim 1, and Lodwick further discloses wherein determining a scaling factor comprises determining a horizontal scaling factor and determining a vertical scaling factor (see Fig. 4 and column 9 lines 33-36 and 54-55).

Regarding claim 23, Lodwick in view of the admitted prior art in applicant's specification discloses the system discussed in claim 22, and Lodwick further discloses wherein the reference image comprises a reference line on a medium and a metric line on the medium parallel to the reference line and a standard distance from the reference line (see Fig. 4 and column 6 line 8-column 7 line 53).

Regarding claim 25, Lodwick in view of the admitted prior art in applicant's specification discloses the system discussed in claim 22, and Lodwick further discloses wherein comparison of the reference image and the scaling image comprises: laying one of the reference image and the scaling image atop the other of the reference image and the scaling image (see Figs. 4-6, abstract, column 5 lines 44-48, column 6 lines 64-66, column 8 lines 57-60, and column 9 lines 30-33) and aligning a reference line on the

reference image with a reference line on the scaling image (see Fig. 4 (181) and column 7 lines 4-5).

Regarding claim 26, Lodwick in view of the admitted prior art in applicant's specification discloses the system discussed in claim 22, and Lodwick further discloses wherein scaling factor is a horizontal scaling factor, the method further comprising determining a vertical scaling factor as a function of a second comparison of the reference image and the scaling image (see Fig. 4 and column 9 lines 33-36 and 54-55).

4. Claims 8, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lodwick as applied to claims 6, 14, and 15 above, and further in view of the admitted prior art in applicant's specification.

Regarding claim 8, Lodwick does not disclose expressly printing part of an image on the reference printing system and printing another part of the image on the scalable printing system (see page 2 lines 8-17).

The admitted prior art in applicant's specification discloses printing part of an image on the reference printing system and printing another part of the image on the scalable printing system (see page 2 lines 8-17).

Regarding claim 16, Lodwick discloses wherein the reference printing system is a digital printing system (see column 4 lines 25-28) and wherein the scalable printing system is the digital printing system or any other printing system (see column 6 lines 1-4).

Lodwick does not disclose expressly wherein the reference printing system is one of a digital printing system and an analog printing system and wherein the scalable printing system is the other of the digital printing system and the analog printing system.

The admitted prior art in applicant's specification discloses printing part of an image on the reference printing system and printing another part of the image on the scalable printing system (see page 2 lines 8-17).

Regarding claim 17, Lodwick discloses wherein the reference grid is constructed with a digital printing system (see column 4 lines 25-28) and the scaling grid is constructed with the digital printing system or any other printing system (see column 6 lines 1-4).

Lodwick does not disclose expressly wherein the reference grid is constructed with one of a digital printing system and an analog printing system, and wherein the scaling grid is constructed with the other of the digital printing system and the analog printing system.

The admitted prior art in applicant's specification discloses printing part of an image on the reference printing system and printing another part of the image on the scalable printing system (see page 2 lines 8-17).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to print a first calibration sheet on a digital or analog printing system and a second calibration sheet on the other of the digital or analog printing system. Lodwick discloses the use of the calibration system for any number of output devices (printing systems) (see column 9 lines 56-62) and for any kind of output device (see column 6

lines 1-4). The suggestion/motivation for doing so would have been to allow the calibration of any system, regardless to the kind or printing device, either analog or digital using any other kind of printing device, either analog or digital, by use of calibration sheets.

Therefore, it would have been obvious to modify Lodwick to obtain the invention as specified in claims 8, 16, and 17.

### ***Allowable Subject Matter***

5. Claims 10, 12, 18-20, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner believes that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine the use of second and third metric lines placed and offset distances containing scaling numbers as recited in the above claims with the limitations set forth in the above rejected base claims.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art refer to the attached Notice of References Cited.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia  
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